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11 IN THE UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

13
14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 APPROXIMATELY \$20,000.00 IN
18 U.S. CURRENCY,

19 Defendant.

20 Case No. 2:23-cv-00153-JDP

21 FINDINGS AND
22 RECOMMENDATIONS

23 This matter came before the Honorable Magistrate Judge Jeremy D. Peterson on the United
24 States' *ex parte* motion for default judgment. There was no appearance by or on behalf of any other
25 person or entity claiming an interest in the above-captioned defendant currency to oppose the United
States' motion. Based on the United States' motion and the files and records of the court, THE
COURT FINDS as follows:

26 1. This action arose out of a Verified Complaint for Forfeiture *In Rem* filed January 25,
27 2023.

28 2. The United States has moved this Court, pursuant to Local Rule 540, for entry of default
judgment of forfeiture against potential claimants Jose Garcia and Thomas Callahan.

29 3. The United States has shown that a complaint for forfeiture was filed; that potential
claimants Jose Garcia and Thomas Callahan received notice of the forfeiture action; that any and all
other unknown potential claimants have been served by publication; and that grounds exist for entry of

1 a final judgment of forfeiture.

2 According, it is hereby ORDERED that the Clerk of Court shall randomly assign a United
3 States District Judge to this case.

4 Further, it is RECOMMENDED as follows:

5 1. That Jose Garcia and Thomas Callahan be held in default;
6 2. That the United States' motion for default judgment and final judgment of forfeiture be
7 granted;

8 3. That judgment by default be entered against any right, title, or interest of potential
9 claimants Jose Garcia and Thomas Callahan in the defendant funds referenced in the above caption;

10 4. That a final judgment be entered, forfeiting all right, title, and interest in the defendant
11 funds to the United States, to be disposed of according to law.

12 These findings and recommendations are submitted to the United States District Judge assigned
13 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served
14 with these findings and recommendations, any party may file written objections with the court and
15 serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's
16 Findings and Recommendations." Any response to the objections shall be served and filed within
17 fourteen days after service of the objections. The parties are advised that failure to file objections
18 within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*,
19 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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IT IS SO ORDERED.

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Dated: February 23, 2024



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

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